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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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11 RONNIE EDWARD JOHNSON, JR.,) Case No. CV 10-1018-DOC(RC)
12)
13 Petitioner,) ORDER ADOPTING REPORT AND
14 vs.) RECOMMENDATION OF UNITED STATES
15 K. HARRINGTON,) MAGISTRATE JUDGE AND ORDER DENYING
16 Respondent.) CERTIFICATE OF APPEALABILITY
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17 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
18 Petition and other papers along with the attached Report and
19 Recommendation of United States Magistrate Judge Rosalyn M. Chapman,
20 and has made a de novo determination.
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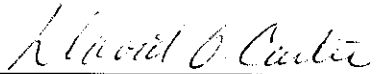
22 IT IS ORDERED that (1) the Report and Recommendation is approved
23 and adopted; (2) the Report and Recommendation is adopted as the
24 findings of fact and conclusions of law herein; and (3) Judgment shall
25 be entered dismissing the petition and the action as untimely.
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27 This Court finds an appeal would not be taken in good faith, and
28 that petitioner has not made a substantial showing that he has been

1 denied a constitutional right and that this Court was not correct in
2 its statute of limitations ruling, for the reasons set forth in the
3 Report and Recommendation; accordingly, a certificate of appealability
4 should not issue under 28 U.S.C. § 2253(c)(2) and Fed. R. App.
5 P. 22(b). Slack v. McDaniel, 529 U.S. 473, 483, 120 S. Ct. 1595,
6 1604, 146 L. Ed. 2d 542 (2000); Manning v. Foster, 224 F.3d 1129, 1132
7 (9th Cir. 2000).

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9 IT IS FURTHER ORDERED that the Clerk shall serve copies of this
10 Order, the Magistrate Judge's Report and Recommendation and Judgment
11 by the United States mail on petitioner.

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13 DATED: September 1, 2010

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16 DAVID O. CARTER
17 UNITED STATES DISTRICT JUDGE

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